

Spinkfield

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FILED
U.S. DISTRICT COURT
DISTRICT OF MASS.
2004 SEP -7 P 4:27
Fax (978) 630-2334

September 04, 2004

U. S. District Court Judge F. Dennis Saylor
John Joseph Moakley U.S. Courthouse
One Courthouse Way
Federal Building Boston, MA. 02210

RE: Bela Balogh v. Mariette Poirier fka Mariette Balogh & Massachusetts
State Carpenter's Fund

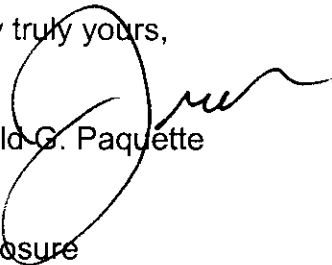
Docket 4:04 cv 40016-FDS

Dear Judge Saylor

I apologize for the lack of a Joint Statement on the above in anticipation of Meeting this Weds. Neither the moving party nor the removing party submitted a proposed statement of facts or law for review.

Attached is the unilateral statement of the former spouse of Bella Balogh, my client Mariette Poirier, insofar as the issues relate to her.

Very truly yours,


Jerold G. Paquette
JGP

Enclosure

cc Atty. James Grosso
Atty. Vincent Pusateri

United States District Court
For the District of Massachusetts

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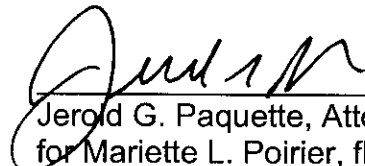
Bela F. Balogh, Plaintiff

v.

Mariette L. Poirier,
fka Mariette L. Balogh and
Massachusetts State Carpenters Pension Fund, Defendant

**Mariette L. Poirier, fka Mariette L. Balogh's Meeting Statement,
Meeting of Weds. September 8, 2004 with Judge F. Dennis Saylor**

1. Defendant Mariette L. Poirier, fka Mariette L. Balogh (Poirier) was named spousal beneficiary in respect to his Massachusetts State Carpenters Pension Fund (Fund) creating choate rights under ERISA 29 USCA et seq., Employee Retirement Income Security Act of 1974 ("ERISA").
2. Defendant Poirier is a necessary party in that she will be affected by the Court's disposition in favor of the Plaintiff although the Declaratory Action of the Plaintiff seeking amendment of Defendant Fund.
3. Defendant's "property right" or benefit under the PLAN was not affected by any Judgment of the Massachusetts Probate and Family Court although the Court had jurisdiction to make a Judgment as a Qualified Domestic Relations Order as defined in 29 USCA section 206(d)(3) of the Employee Retirement Income Security Act of 1974 ("ERISA")


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for Mariette L. Poirier, fka
Mariette L. Balogh
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BBO 388960
Date: Sept. 04, 2004

CERTIFICATE OF SERVICE

This Sept. 04, 2004 I mailed the original of this Statement to:

U. S. District Court Judge F. Dennis Saylor
John Joseph Moakley U.S. Courthouse
One Courthouse Way
Boston, MA. 02210

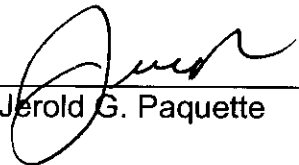
&

Atty. Vincent Pusateri
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Fitchburg, MA 01420

&

James F. Grosso
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by PRIORITY first class mail, postage pre-paid.



Jerold G. Paquette